



Approved 08/15/2011

Town of Duxbury

Massachusetts

Planning Board

TOWN CLERK
11 AUG 16 AM 11:47
DUXBURY, MASS.

Minutes 07/11/11

The Planning Board met at the Duxbury Town Hall, Small Conference Room, on Monday, July 11, 2011 at 7:00 PM.

Present: Amy MacNab, Chairman; George Wadsworth, Vice-Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Josh Cutler, Brian Glennon and Jennifer Turcotte.

Absent: No one was absent.

Staff: Thomas Broadrick, Planning Director; and Diane Grant, Administrative Assistant.

Ms. MacNab called the Planning Board meeting to order at 7:02 PM.

OPEN FORUM

Open Forum: Ms. MacNab commended Mr. Cutler for his well-written letter to state legislators objecting to the elimination of Open Forum as a violation of Open Meeting Law. Board members reviewed an email from Mr. Broadrick informing them that the Attorney General's office had telephoned to inform him that the decision to eliminate Open Forum is a local one not mandated by the state. Ms. MacNab confirmed with Mr. Broadrick that no written response had been received from the Attorney General's office or state legislators.

War Memorial Donations: Mr. Cutler distributed donation forms for the War Memorial Brick fund raiser.

Alternative Energy Committee: Mr. Cutler reported that the Alternative Energy Committee hosted a public forum on the proposed location of the Wind Turbine project. There was good attendance at the forum. Two locations were presented: On North Hill, and 500 yards south of North Hill. Also, the Alternative Energy Committee is issuing a Request for Qualifications for a project that would utilize a capped landfill on Mayflower Street to construct solar arrays.

Community Preservation Committee (CPC): Mr. Bear reported that the CPC will include a "Citizen Input Forum" at the beginning of its meetings to take the place of Open Forum.

ENDORSEMENT OF ADMINISTRATIVE SITE PLAN REVIEW APPROVED PLANS: 489 WASHINGTON STREET / DUXBURY YACHT CLUB

Ms. MacNab confirmed with Mr. Broadrick that plans had been updated according to the Administrative Site Plan Review decision dated June 13, 2011. Board members signed two paper copies of the final plans.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 148; Fax: 781-934-1137

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

WORK SESSIONS

Zoning Bylaw Review Committee: Mr. Wadsworth reported that this group appointed by the Board of Selectmen has met twice and is scheduled to meet the third Wednesday of the month. He stated that the majority of members want to focus on a cleaner version of Zoning Bylaws instead of addressing controversial issues. The result of the committee's work will be a report to the Board of Selectmen, and that report may conclude that a consultant is needed. The committee may require a year's time to complete its review. Ms. MacNab and Ms. Turcotte supported the approach of taking time for thorough review rather than rushing through.

Mr. Broadrick, who also attended the initial meetings, reported that after the committee makes its recommendations to the Board of Selectmen, the Selectmen may choose to either appoint another committee or hire a consultant. The Board of Selectmen may ask the Planning Board to sponsor the proposed revisions.

Mr. Broadrick asked for the Board's direction regarding his attendance at these meetings, since he has several other evening meetings to attend for other committees. Board members agreed that Mr. Broadrick should not be required to attend the Zoning Bylaw Study Committee meetings on a regular basis.

Stormwater Management: Mr. Wadsworth reported that he and Mr. Broadrick had attended a workshop in Holyoke, MA run by the U.S. Environmental Protection Agency (EPA). The takeaway is that the EPA has the primary jurisdiction over stormwater management. Recommendations include:

- Direct movement of water would not be allowed with new construction
- As expected, major areas of concern are in more densely paved/densely populated cities and towns
- The purpose of new permitting is to encourage towns to identify where storms discharge
- Although no standards are set, it is recommended to control discharge in a way that would reduce pollution.

Mr. Broadrick added that the stormwater regulations are not going in the same direction of high regulation standards for drinking water. The bottom line is that designing Low Impact Design (LID) will result in better quality discharge. He noted that the Town of Duxbury is already encouraging LID design. He reported that there is a map on the EPA web site that shows sensitive areas, and stated that the town's Department of Public Works (DPW) has been proactively addressing stormwater discharge issues since 2003. The DPW hired Amory Engineers for permitting subsurface water distribution. Stormwater regulations would help if they were adopted in the town. Mr. Wadsworth noted that towns are being told that they may have to identify all storm drains and then the EPA will identify any issues.

Mr. Glennon asked why the town encourages hammerhead turnaround design with subdivision and cluster roadways, and Mr. Wadsworth responded that they require a lot less pavement. Mr. Broadrick noted that hammerheads are allowed on subdivisions with three or less lots and are not be allowed for subdivisions with greater than four lots.

Census 2010: Mr. Broadrick had provided Board members with demographic information from the latest census. He noted that the current town population is 15, 059; Mr. Cutler noted that it is a 5.7 percent increase from 2000. Mr. Broadrick noted that from 1990 to 2000 the number of housing units increased by 208, and from 2000 to 2010 the number of housing units increased by 530. Mr. Broadrick stated that census figures will drive the Comprehensive Plan update.

OTHER BUSINESS

Engineering Invoice:

MOTION: Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to approve payment of Amory Engineers invoice #13524 in the amount of \$165.00 for services related to 454 Franklin Street / Industrial Tower and Wireless.

VOTE: The motion carried unanimously, 7-0.

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, to approve the following meeting minutes:

- May 23, 2011
- June 6, 2011
- June 13, 2011 (as amended).

VOTE: The motion carried 6-0-1, with Ms. Ladd Fiorini abstaining.

Historical Commission Hearing re: 31 Shipyard Lane: The Planning Board had received a notice of a public hearing for proposed demolition of a dwelling at 31 Shipyard Lane. Ms. Toni Shoham of 35 Shipyard Lane, an abutter, was present to express her concern regarding this proposed demolition. Her main concern was the proposed reconstruction, which she stated would increase the dwelling size by 44 percent. Her concerns regarding the proposed new dwelling included:

- Massing due to an increase in footprint
- Loss of air and sun to her property
- Height
- Grading
- Scale of dwelling compared to neighborhood.

Ms. Shoham also objected to razing a dwelling that was built in 1928, stating that Shipyard Lane is an historic lane.

Ms. Turcotte advised Ms. Shoham that at a Board meeting of May 23, 2011, the Board reviewed a Zoning Board of Appeals (ZBA) referral regarding this project and recommended denial because an existing nonconformity would be intensified with the new construction. Ms. MacNab explained that the granting authorities for this project are the Historical Commission for demolition, and the ZBA for the proposed construction. Staff provided Ms. Shoham a copy of draft Planning Board meeting minutes from May 23, 2011 with the Board's discussion and vote regarding the ZBA referral.

Zoning Article Attorney General Approval: Mr. Broadrick reported that the Attorney General's office has approved zoning articles that passed at Annual Town Meeting in March 2011. The approved bylaws will be published in the *Duxbury Clipper* for two weeks, and then the articles will be incorporated into the Zoning Bylaws.

ADJOURNMENT

The Planning Board meeting adjourned at 8:22 PM. The next Planning Board meeting will take place on Monday, July 25, 2011 at 7:00 PM at Town Hall, Small Conference Room, lower level.

TOWN CLERK
11 AUG 16 AM 11:47
DUXBURY MASS.

MATERIALS REVIEWED

- Letter from PB to state legislators dated June 21, 2011
- Email from T. Broadrick dated 06/27/11 re: AG response
- "Public Chat Axed by Duxbury Board," *Boston Globe* article dated June 30, 2011
- Administrative Site Plan Review Approved Plans: 489 Washington Street / Duxbury Yacht Club
- Zoning Bylaw Review Committee 2011- members and charge
- Stormwater Management LID Local Codes checklist
- Census Data 2000-2010
- Amory Engineers invoice #13524 dated 07/01/11 (\$165.00) re: 454 Franklin Street (cell tower)
- Meeting minutes of 05/23/11
- Meeting minutes of 06/06/11
- Meeting minutes of 06/13/11
- Historical Commission public hearing notice for demolition of 31 Shipyard Lane / Langs
- ZBA decision: Ocean Road North and Gurnet Road / Hummock LLC
- ZBA decision: 146 Winter Street / Historic O'Neil Farm
- Town of Duxbury Construction Cost Estimates for June 2011 (*distributed at meeting*)

TOWN CLERK
11 AUG 16 AM 11:47
DUXBURY, MASS.